

House Daily Reader

Thursday, February 03, 2000

Bills Included				
HB 1018	HB 1078	HB 1116	HB 1117	HB 1122
HB 1133	HB 1154	HB 1185	HB 1188	HB 1190
HB 1215	HB 1236	HB 1253	HB 1265	HB 1290
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State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0370

HOUSE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB1018** - 2/2/00

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and
Management

1 FOR AN ACT ENTITLED, An Act to transfer certain funds from the South Dakota Building

2 Authority to the South Dakota Health and Education Facilities Authority.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Notwithstanding the provisions of § 5-12-23, the executive secretary of the South

5 Dakota Building Authority shall transfer any accumulated savings from prior refundings and

6 unused project funds in an amount not to exceed five hundred twenty thousand dollars

7 (\$520,000) to the South Dakota Health and Education Facilities Authority. Such funds are

8 hereby appropriated for expenditure on projects at technical institutes identified in § 1-16A-77.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 15

3 1/12/00 Referred to Appropriations.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Appropriations Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 330

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

271D0270

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1078** - 2/2/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Brown (Richard), Brooks, Haley, Koetzle, Lucas, and McCoy
and Senators Brosz, Brown (Arnold), and Olson

1 FOR AN ACT ENTITLED, An Act to revise the index factor in the state aid to education
2 formula, to reduce state aid to education to certain school districts with excess general fund
3 cash balances, and to create an education improvement fund.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 13-13-10.1 be amended to read as follows:

6 13-13-10.1. Terms used in this chapter mean:

7 (1) "General enrollment average daily membership," the average number of resident and
8 nonresident kindergarten through twelfth grade pupils enrolled in all schools operated
9 by the school district during the previous regular school year, minus average number
10 of pupils for whom the district receives tuition, except pupils described in subdivision
11 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
12 average number of pupils for whom the district pays tuition, except pupils for whom
13 the district pays tuition pursuant to § 13-28-42;

14 (1A) Nonresident students who are in the care and custody of the Department of Social
15 Services, the Unified Judicial System, the Department of Corrections, or other state

1 agencies and are attending a public school may be included in the average daily
2 membership of the receiving district when enrolled in the receiving district. When
3 counting a student who meets these criteria in its general enrollment average daily
4 membership, the receiving district may begin the enrollment on the first day of
5 attendance. The district of residence prior to the custodial transfer may not include
6 students who meet these criteria in its general enrollment average daily membership
7 after the student ceases to attend school in the resident district;

8 (2) "Adjusted average daily membership," calculated as follows:

9 (a) For districts with a general enrollment average daily membership of two
10 hundred or less, multiply 1.2 times the general enrollment average daily
11 membership;

12 (b) For districts with a general enrollment average daily membership of less than
13 six hundred, but greater than two hundred, raise the general enrollment average
14 daily membership to the 0.8293 power and multiply the result times 2.98;

15 (c) For districts with a general enrollment average daily membership of six hundred
16 or more, multiply 1.0 times their general enrollment average daily membership;

17 (3) "Index factor," is the annual percentage change in the consumer price index for urban
18 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
19 the United States Department of Labor for the year before the year immediately
20 preceding the year of adjustment ~~or three percent, whichever is less~~ plus the
21 enrollment adjustment. However, the index factor may not be less than three percent;

22 (3A) "Enrollment adjustment," is the negative of the annual percent change in the statewide
23 general enrollment average daily membership for the year before the year immediately
24 preceding the year of adjustment. However, the enrollment adjustment may not be less
25 than zero;

1 (4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive,
2 is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student
3 allocation shall be \$3,350 increased by the index factor. Each school fiscal year
4 thereafter, the per student allocation shall be the previous fiscal year's per student
5 allocation increased by the index factor;

6 (5) "Local need," the per student allocation multiplied by the adjusted average daily
7 membership;

8 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
9 applying the levies established pursuant to § 10-12-42.

10 Section 2. Any school district that receives revenue resulting from the enrollment adjustment
11 shall use the resulting revenue to increase teachers' salaries. The Department of Education and
12 Cultural Affairs shall certify to each school district the amount of revenue it will receive from
13 general state aid to education resulting from the enrollment adjustment.

14 Section 3. School districts shall certify to the Department of Education and Cultural Affairs
15 that the revenue received resulting from the enrollment adjustment is used to increase teachers'
16 salaries.

17 Section 4. That § 13-37-35.1 be amended to read as follows:

18 13-37-35.1. Terms used in chapter 13-37 mean:

19 (1) "Level one disability," a mild disability;

20 (2) "Level two disability," a mental retardation or emotional disorder;

21 (3) "Level three disability," hearing impairment, deafness, visual impairment,
22 deaf-blindness, orthopedic impairment, or traumatic brain injury;

23 (4) "Level four disability," autism;

24 (5) "Level five disability," multiple disabilities;

25 (6) "Index factor," is the annual percentage change in the consumer price index for urban

wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment ~~or three percent, whichever is less. However, the index factor may not be less than three percent or greater than five percent;~~

(7) "Local effort," is the amount of taxes payable each year, using a levy for the special education fund of a school district of one dollar and thirty-five cents per thousand dollars of taxable valuation;

(8) "Allocation for a student with a level one disability," for the school fiscal year beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for a student with a level one disability shall be the previous fiscal year's allocation for such child increased by ~~the lesser of the index factor or three percent;~~

(9) "Allocation for a student with a level two disability," for the school fiscal year beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for a student with a level two disability shall be the previous fiscal year's allocation for such child increased by ~~the lesser of the index factor or three percent;~~

(10) "Allocation for a student with a level three disability," for the school fiscal year beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for a student with a level three disability shall be the previous fiscal year's allocation for such child increased by ~~the lesser of the index factor or three percent;~~

(11) "Allocation for a student with a level four disability," for the school fiscal year beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for a student with a level four disability shall be the previous fiscal year's allocation for such child increased by ~~the lesser of the index factor or three percent;~~

(12) "Allocation for a student with a level five disability," for the school fiscal year beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for

a student with a level five disability shall be the previous fiscal year's allocation for such child increased by ~~the lesser of the index factor or three percent~~;

(13) "Child count," is the number of students in need of special education or special education and related services according to criteria set forth in rules promulgated pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education and Cultural Affairs in accordance with rules promulgated pursuant to § 13-37-1.1;

(14) "Resident average daily membership," the average number of resident kindergarten through twelfth grade pupils enrolled in all schools operated by the school district during the previous regular school year plus the average number of pupils for whom the district pays tuition and plus the average number of resident pupils enrolled in another school district under the provisions of § 13-28-40;

(15) "Nonpublic school," a sectarian organization or entity which is accredited by the secretary of education and cultural affairs for the purpose of instructing children of compulsory school age. This definition excludes any school that receives a majority of its revenues from public funds;

(16) "Nonpublic average daily membership," the average number of kindergarten through twelfth grade pupils enrolled during the previous regular school year in all nonpublic schools located within the boundaries of the public school district plus the average number of children under age sixteen who are approved for alternative instruction pursuant to § 13-27-2 during the previous school year;

(17) "Special education average daily membership," resident average daily membership plus nonpublic average daily membership;

(18) "Local need," an amount to be determined as follows:

(a) Multiply the special education average daily membership by 0.089 and multiply the result by the allocation for a student with a level one disability;

1 (b) Multiply the number of students having a level two disability as reported on the
2 child count for the previous school fiscal year by the allocation for a student
3 with a level two disability;

4 (c) Multiply the number of students having a level three disability as reported on
5 the child count for the previous school fiscal year by the allocation for a
6 student with a level three disability;

7 (d) Multiply the number of students having a level four disability as reported on the
8 child count for the previous school fiscal year by the allocation for a student
9 with a level four disability;

10 (e) Multiply the number of students having a level five disability as reported on the
11 child count for the previous school fiscal year by the allocation for a student
12 with a level five disability;

13 (f) Sum the results of (a) through (e);

14 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
15 divided by \$1.35. The maximum effort factor is 1.0.

16 Section 5. Any teacher who teaches in a public school in South Dakota and who has obtained
17 certification by the National Board for Professional Teaching Standards shall receive a payment
18 of one thousand dollars from the Department of Education and Cultural Affairs as partial
19 reimbursement for costs incurred in completing the certification process. If the teacher does not
20 remain a teacher in a South Dakota public school for at least three years following such
21 certification, the teacher shall refund the payment.

22 Section 6. In addition to the reimbursement provided pursuant to section 5 of this Act, any
23 teacher who teaches in a public school in South Dakota and who has obtained certification by
24 the National Board for Professional Teaching Standards shall receive a payment of two thousand
25 dollars per year from the Department of Education and Cultural Affairs for the duration of the

1 certification, not to exceed ten years. A teacher is eligible for payment under this section only
2 if the teacher teaches in a public school in South Dakota.

3 Section 7. Any teacher who teaches in a public school in South Dakota and who has obtained
4 certification by the National Board for Professional Teaching Standards is exempt from any state
5 certification renewal requirements and any other requirements for additional academic training
6 for the duration of the national certification.

7 Section 8. Sections 5, 6, and 7 of this Act are effective on July 1, 2001.

8 Section 9. The Department of Education and Cultural Affairs may promulgate rules pursuant
9 to chapter 1-26 to define general fund balances for the purposes for which the term is used in this
10 Act and criteria for the Excess General Fund Oversight Board to grant waivers and to verify the
11 certification by a school district that revenue resulting from the enrollment adjustment is used
12 to increase teachers' salaries.

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to Education. H.J. 55

3 2/1/00 Education Hog Housed.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Education Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 324

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

626D0475

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1116** - 2/1/00

Introduced by: Representative Napoli and Senator Munson (David)

1 FOR AN ACT ENTITLED, An Act to prohibit motor vehicle brokering.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 32-6B-4 be amended to read as follows:

4 32-6B-4. No person may engage in the business, either exclusively or in addition to any other
5 occupation, of selling, or may offer to sell, display, ~~act as a broker,~~ or advertise the sale of new
6 or used vehicles, without a license as provided in § 32-6B-12. A violation of this section is a
7 ~~Class 1~~ Class 2 misdemeanor. ~~A second or subsequent violation of this section is a Class 6~~
8 ~~felony.~~

9 Section 2. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
10 follows:

11 No person may act as, offer to act as, or hold himself or herself out to be a broker. A
12 violation of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Commerce. H.J. 115

3 1/19/00 House of Representatives Referred to Transportation. H.J. 128

4 1/26/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 1/31/00 Transportation Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 305

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

429D0124

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1117** - 2/2/00

Introduced by: Representatives Napoli, McNenny, and Monroe and Senator Olson

1 FOR AN ACT ENTITLED, An Act to require municipalities to maintain water and sewer
2 connections and to limit the ability to charge an abutting property owner.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-47-6 be amended to read as follows:

5 9-47-6. ~~Every municipality shall have power to~~ Each municipality may regulate and provide
6 for the laying of water connections from the city water mains to the lot line; and ~~to~~ assess the
7 cost against the abutting property owner as provided by this title. However, each municipality
8 is responsible for the replacement and maintenance of the water line to the lot line and may not
9 charge the cost of such replacement and maintenance against the abutting property owner except
10 by special assessment.

11 Section 2. That § 9-48-7 be amended to read as follows:

12 9-48-7. ~~Every municipality shall have power to~~ Each municipality may regulate and provide
13 for the laying of sewer connections from the city trunk or service sewers; to the lot line; and ~~to~~
14 assess the cost against the abutting property owner as provided by this title. However, each
15 municipality is responsible for the replacement and maintenance of the sewer line to the lot line
16 and may not charge the cost of such replacement and maintenance against the abutting property

1 owner except by special assessment.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 115

3 1/23/00 Scheduled for Committee hearing on this date.

4 1/25/00 Scheduled for Committee hearing on this date.

5 1/27/00 Scheduled for Committee hearing on this date.

6 2/1/00 Scheduled for Committee hearing on this date.

7 2/1/00 Local Government Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 336

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

941D0492

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1122** - 2/2/00

Introduced by: Representatives McNenny, Hennies, Juhnke, Napoli, Pummel, and Sutton
(Duane) and Senators Albers and Kleven

1 FOR AN ACT ENTITLED, An Act to require a removal agency to notify a county sheriff or
2 chief of police after removing certain motor vehicles.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-30 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any removal agency as defined by § 32-36-2 removes any motor vehicle from a public
7 street or highway and the removal is not at the request of a law enforcement officer, the removal
8 agency shall report the removal to the county sheriff, if the removal occurred outside any
9 municipality, or to the chief of police, if the removal occurred inside any municipality, within
10 twenty-four hours of removing the motor vehicle. Failure to make a report as provided by this
11 section is a Class 2 misdemeanor.

12 Section 2. That chapter 32-30 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 If a removal agency fails to make a report as required by section 1 of this Act, the removal
15 agency is not entitled to any towing or storage fees for the removed vehicle and no such towing
16 or storage fees may be billed or collected by the removal agency.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 116

3 1/27/00 Scheduled for Committee hearing on this date.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Local Government Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 337

6 2/1/00 Local Government Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

391D0364

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1133** - 2/2/00

Introduced by: Representatives Roe, Cutler, Eccarius, Fischer-Clemens, Koehn, Michels, and Peterson and Senators Everist, Brown (Arnold), Dunn (Jim), Flowers, Madden, Munson (David), and Shoener

1 FOR AN ACT ENTITLED, An Act to provide insurance coverage for off-label uses of
2 prescription drugs used for the treatment of cancer or life threatening conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "FDA," the federal Food and Drug Administration;

6 (2) "Health insurer," any person who provides health insurance in this state. The term
7 includes a licensed insurance company, a prepaid hospital or medical service plan, a
8 health maintenance organization, a multiple employer welfare arrangement, or any
9 person providing a plan of health insurance subject to state insurance regulation;

10 (3) "Medical literature," a published scientific study in a journal or other publication in
11 which original manuscripts have been published only after critical review for scientific
12 accuracy, validity, and reliability by unbiased independent experts and a determination
13 by the International Committee of Medical Journal Editors that it meets the Uniform
14 Requirements for Manuscripts submitted to biomedical journals. The term, medical
15 literature, does not include a publication or a supplement to a publication that is

sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(4) "Standard reference compendia," one of the following:

(a) The United States Pharmacopeia Drug Information;

(b) DRUGDEX; or

(c) The American Hospital Formulary Service Drug Information;

(5) "Off-label," the use of an FDA approved drug for an indication that is not included in the approved labeling;

(6) "Drug," any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment, or prevention of disease and is taken by mouth; injected into a muscle, the skin, a blood vessel, or cavity of the body; applied to the skin; or otherwise assimilated by the body. The term, drug, includes only those substances that are approved by the FDA for at least one indication.

Section 2. No health insurer issuing a policy which provides coverage for prescription drugs may exclude coverage of any drug used for the treatment of cancer or life threatening conditions on the grounds that the drug has not been approved by the FDA for that indication if that drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature. The prescribing physician shall submit documentation supporting the proposed off-label use or uses to the insurer, if requested. Any coverage of a drug that serves as the primary treatment required by this Act shall also include medically necessary services associated with the administration of the drug.

Section 3. No coverage is required under this Act for the following:

(1) Any drug that has not been fully licensed or approved by the FDA;

(2) The use of any drug if the FDA has determined that use to be contraindicated; or

1 (3) Any experimental drug not otherwise approved for any indication by the FDA.

2 Section 4. The provisions of this Act apply to drugs used in the treatment for cancer or life
3 threatening diseases only, and nothing in this Act may be construed to create, impair, alter, limit,
4 modify, enlarge, abrogate, or prohibit reimbursement for medications used in the treatment of
5 any other disease or condition.

6 Section 5. Nothing in this Act may be construed to prevent the application of contractual
7 deductibles or copayment provisions or managed care review.

8 Section 6. The following drugs or services are not subject to coverage under section 2 of this
9 Act:

10 (1) Any drug that is used in research trials sponsored by the manufacturer of that drug or
11 a governmental entity; or

12 (2) Any drug or service furnished in a research trial, if the sponsor of the research trial
13 furnishes the drug or service without charge to any participant in the research trial.

14 Section 7. This Act may not be used to reduce or limit coverage for off-label use of drugs
15 otherwise required by law or contract.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Commerce. H.J. 118

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 342

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

463D0531

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1154** - 2/2/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Monroe, Brown (Jarvis), Koehn, Koetzle, and Weber and
Senators Whiting, Madden, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for the provisional licensure of psychologists
2 during the one-year supervised postdoctoral psychological experience.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-27A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The Board of Examiners of Psychologists may issue a provisional license not to exceed
7 twelve months in duration to an applicant who is completing the one-year supervised
8 postdoctoral psychological experience if the applicant has satisfied the requirements of
9 subdivisions 36-27A-12(1) and (2) and has completed the supervised psychological internship
10 as specified in subdivision 36-27A-12(3).

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to Commerce. H.J. 133

3 1/25/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Hog Housed.

5 2/1/00 Scheduled for Committee hearing on this date.

6 2/1/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 343

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

472D0594

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1185** - 2/2/00

Introduced by: Representatives Fiegen, Brooks, Crisp, Cutler, Derby, Eccarius, Hunt, Jaspers, Juhnke, McNenny, Peterson, Sutton (Duane), and Wilson and Senators Brown (Arnold), Flowers, and Staggers

1 FOR AN ACT ENTITLED, An Act to allow the offer of an individual health benefit plan
2 without certain mandates.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 An insurer may offer an individual health benefit plan without the minimum benefit
7 requirements otherwise required by this chapter, except for the benefits required by §§ 58-17-54,
8 58-17-55, 58-17-56, and 58-17-88.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 138

3 1/20/00 Referred to Commerce.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 343

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

670D0657

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1188** - 2/2/00

Introduced by: Representatives Broderick and Earley and Senators Munson (David) and Whiting

1 FOR AN ACT ENTITLED, An Act to allow the payment of the motor vehicle excise tax by a
2 person on behalf of the owner.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-5-27 be amended to read as follows:

5 32-5-27. Any dealer, person, firm, or corporation, which brings into the state or purchases
6 any used or secondhand out-of-state motor vehicles not currently licensed in this state for the
7 purpose of sale or resale, except as a trade-in on a new motor vehicle or another used motor
8 vehicle or vehicles receiving a junking certificate or motor vehicles with a gross vehicle weight
9 rating of over twenty-six thousand pounds or a semitrailer with a manufacturer's shipping weight
10 of nine thousand pounds or more, shall, within thirty days from the date of purchase or entry of
11 the motor vehicle into the limits of this state, or from the date of purchase at a dealer's car
12 auction agency, title the motor vehicle pursuant to chapter 32-3 and pay the excise tax pursuant
13 to chapter 32-5B but is not required to license the vehicle. Any licensed motor vehicle dealer
14 titling a motor vehicle pursuant to this section is exempt from paying the excise tax imposed by
15 § 32-5B-1 on such vehicle. A vehicle titled by a licensed motor vehicle dealer pursuant to this
16 section shall be issued a title indicating that no excise tax has been paid. Upon transfer of the title

1 to a subsequent purchaser of the motor vehicle, the excise tax shall be paid by the purchaser or
2 by any other person as defined by subdivision 2-14-2(18), on behalf of and as the agent for the
3 purchaser. A violation of this section is a Class 2 misdemeanor.

4 The provisions of this section do not apply to any motor vehicle titled and licensed in another
5 jurisdiction which is sold in this state through a dealer's car auction agency licensed under the
6 provisions of chapter 32-6B.

7 Section 2. That § 32-5B-9 be amended to read as follows:

8 32-5B-9. The new owner of a motor vehicle, or with written authorization, any other person
9 as defined by subdivision 2-14-2(18) on behalf of and as the agent for the new owner, shall
10 present to the county treasurer in the county of ~~his~~ the new owner's residence the manufacturer's
11 or importer's statement or certificate of origin or the assigned certificate of title and a properly
12 endorsed motor vehicle purchaser's certificate. The motor vehicle purchaser's certificate shall be
13 on a form to be furnished by the Department of Revenue through the county treasurer's office.
14 The certificate shall contain a complete description of the motor vehicle, the owner's name and
15 address, the previous owner's name and address, the full purchase price as defined by § 32-5B-4
16 and how computed, the trade-in allowance and description of the trade, if any, and any other
17 relevant information the Department of Revenue may require. However, for a motor vehicle
18 licensed and registered pursuant to chapter 32-10, the manufacturer's or importer's statement or
19 certificate of origin or an assigned certificate of title and a properly endorsed motor vehicle
20 purchaser's certificate shall be presented to the Department of Revenue. ~~If a~~ Any person who
21 intentionally falsifies information on the certificate, ~~he~~ is guilty of a Class 6 felony.

22 Section 3. That § 32-5-2 be amended to read as follows:

23 32-5-2. Every owner, or with written authorization, any other person as defined by
24 subdivision 2-14-2(18) on behalf of and as the agent for the owner, of a motor vehicle,
25 motorcycle, truck tractor, road tractor, trailer or semitrailer, or recreational vehicle or trailer,

1 which is operated or driven upon the public highways of this state, shall, except as otherwise
2 expressly provided, present to the county treasurer of ~~his~~ the owner's county, or, in case of a
3 nonresident of this state, the treasurer of any county, application for the registration of that
4 vehicle. The application form shall be furnished by the department and shall contain but not be
5 limited to the following information:

- 6 (1) The number of cylinders or the bore and stroke of each cylinder;
- 7 (2) The manufacturer's weight;
- 8 (3) Whether the vehicle operates on diesel fuel, liquified petroleum gas, gasoline, or any
9 other special fuel;
- 10 (4) The make, model, body, year, color, and vehicle identification number of the vehicle;
- 11 (5) The odometer reading; and
- 12 (6) The purchase price and the name and address of the seller, buyer, and lienholder, if
13 any.

14 Any person who fails to provide the above information to the county treasurer or the
15 department is guilty of a Class 2 misdemeanor. The department or the county treasurer may not
16 accept an incomplete application form or an application form which the department considers
17 erroneous.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 139

3 1/20/00 Referred to Commerce.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Commerce Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 344

6 2/1/00 Commerce Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

463D0506

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1190** - 1/31/00

Introduced by: Representatives Fischer-Clemens, Haley, Lucas, and Roe and Senators Moore, Hutmacher, and Paisley

1 FOR AN ACT ENTITLED, An Act to repeal the specific time period that an insurance agent
2 involved in certain crimes must wait before seeking licensure.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-30-23 be amended to read as follows:

5 58-30-23. Any individual licensed as an agent shall be trustworthy, of good character and
6 reputation as to morals, integrity, and financial responsibility, and may not have been convicted
7 of, or have pled guilty or nolo contendere to, a felony or of any crime involving moral turpitude.
8 The director of the Division of Insurance may waive the restriction relating to conviction of, or
9 plea of guilty or nolo contendere to, a felony ~~if three years have elapsed since completion of the~~
10 ~~sentence imposed by the court in connection with the violation~~ or crime involving moral
11 turpitude upon determining, pursuant to § 58-30-23.1, that the individual has been sufficiently
12 rehabilitated.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 139

3 1/20/00 Referred to Commerce.

4 1/27/00 Scheduled for Committee hearing on this date.

5 1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 283

6 1/27/00 Commerce Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

636D0365

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1215** - 2/2/00

Introduced by: Representatives Clark, Cutler, Derby, Earley, Engbrecht, Fitzgerald, Michels, Sutton (Daniel), and Young and Senators Vitter, Ham, and Whiting

1 FOR AN ACT ENTITLED, An Act to allow contracts or agreements between governmental
2 entities to be exempt from certain conflicts of interest.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 6-1-2 be amended to read as follows:

5 6-1-2. The provisions of § 6-1-1 are not applicable if the contract is made pursuant to any
6 one of the conditions set forth in the following subdivisions, without fraud or deceit; but, the
7 contract is voidable if the provisions of the applicable subdivision were not fully satisfied or
8 present at the time the contract was entered into:

9 (1) Any contract involving one thousand dollars or less regardless of whether other
10 sources of supply or services are available within the county, municipality, township,
11 or school district, provided that the consideration therefor is reasonable and just;

12 (2) Any contract involving more than one thousand dollars but less than the amount for
13 which competitive bidding is required, and there is no other source of supply or
14 services available within the county, municipality, township, or school district
15 provided that the consideration therefor is reasonable and just and further provided
16 that the accumulated total of such contracts paid during any given fiscal year ~~shall do~~

not exceed the amount specified in § 5-18-3;

(3) Any contract with any firm, association, corporation, or cooperative association for which competitive bidding is not required and where other sources of supply and services are available within the county, municipality, township or school district, and the consideration therefor is reasonable and just, unless the majority of the governing body are members or stockholders who collectively have controlling interest, or any one of them is an officer or manager of any such firm, association, corporation, or cooperative association then any such contract ~~shall be~~ is null and void;

(4) Any contract with any firm, association, corporation, or cooperative association for which competitive bidding procedures are followed pursuant to chapter 5-18, and where more than one such competitive bid is submitted;

(5) Any contract for professional services with any individual, firm, association, corporation or cooperative, if the individual or any member of the firm, association, corporation or cooperative is an elected or appointed officer of a county, municipality, township, or school district, whether or not other sources of such services are available within the county, municipality, township, or school district, provided the consideration therefor is reasonable and just;

(6) Any contract for commodities, materials, supplies, or equipment found in the state price list established pursuant to § 5-23-8.1, at the price there established or below; and

(7) Any contract or agreement between governmental entities, provided that any officer specified in § 6-1-1 does not receive compensation or payment from either entity as a result of the contract or agreement.

1 **BILL HISTORY**

2 1/20/00 First read in House and referred to Local Government. H.J. 158

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Local Government Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 336

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

813D0562

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1236** - 1/28/00

Introduced by: Representatives Juhnke, Brooks, Brown (Richard), McCoy, and Monroe and
Senators Hutmacher, Benson, and Ham

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota teacher incentive student loan
2 repayment program and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Applicant," any person who has applied for student loan repayment under the South
6 Dakota teacher incentive student loan repayment program;

7 (2) "Department," the Department of Education and Cultural Affairs;

8 (3) "Program," the South Dakota teacher incentive student loan repayment program;

9 (4) "Student loan" or "loan," any loan for education purposes that meets the
10 requirements of section 3 of this Act.

11 Section 2. The South Dakota teacher incentive student loan repayment program is hereby
12 established. Under the program, any public or nonpublic school teacher who, after the effective
13 date of this Act, begins teaching in South Dakota for the first time may receive an annual
14 payment as provided in this Act from the department to pay a portion of qualifying student loans
15 incurred in enrolling in and completing any postsecondary undergraduate or graduate degree that
16 is directly related to the teacher's current teaching position.

1 Section 3. A qualifying student loan for the South Dakota teacher incentive student loan
2 repayment program includes any federally insured student loan, any education loan provided by
3 this or any other state, or any education loan from any private or public source. A loan is a
4 qualifying loan if the applicant can document that the proceeds of the loan were paid to an
5 educational institution for use in the completion of a postsecondary undergraduate or graduate
6 degree that is directly related to the applicant's employment as a teacher in South Dakota.

7 Section 4. Under the program, a qualified applicant may receive an amount not to exceed
8 fifty percent of the principal of cumulative qualifying student loans incurred by the applicant. The
9 total amount of funds paid under the program to a qualifying applicant may not exceed fifteen
10 thousand dollars, and disbursement to the applicant shall be divided into five equal annual
11 payments. If the applicant ceases to be a teacher in this state, the applicant's remaining payments
12 under the program are forfeited. No person may receive more than five payments under the
13 program.

14 Section 5. The department shall promulgate rules pursuant to chapter 1-26 to administer the
15 South Dakota teacher incentive student loan repayment program. The rules shall establish
16 application requirements and procedures, procedures for the disbursement of funds, procedures
17 for documenting the nature of education loans incurred by an applicant, procedures for verifying
18 the applicant's eligibility for the program, and other procedures and requirements necessary to
19 operate the program.

20 Section 6. The teacher incentive student loan repayment fund is hereby established in the
21 state treasury. Any money in the fund shall be used to make disbursements under the program
22 and to administer the program. Any interest earned on money in the fund shall be deposited into
23 the fund. Money in the fund is continuously appropriated to the department to carry out the
24 purposes of this Act.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Education. H.J. 177

3 1/27/00 Scheduled for Committee hearing on this date.

4 1/27/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 265

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

436D0638

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1253** - 2/2/00

Introduced by: Representatives Earley, Broderick, Diedtrich (Elmer), and Konold and Senators Vitter, Halverson, and Shoener

1 FOR AN ACT ENTITLED, An Act to allow the creditor to require property insurance on the
2 collateral securing installment sales contracts and to allow charges for amounts related to the
3 discharge of certain interests on property traded in.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 54-3A be amended by adding thereto a NEW SECTION to read as
6 follows:

7 A creditor may require property insurance on the collateral securing the installment sales
8 contract. However, the creditor may not require the consumer to purchase such insurance from
9 the creditor, and the creditor shall so advise the consumer in writing. The amount of the
10 insurance required shall be reasonable and appropriate considering the nature of the property,
11 the amount of the contract, the term of the contract, and any other circumstances. The insurance
12 policy shall show the creditor as the loss payee, unless waived by the creditor.

13 Section 2. That § 54-3A-5 be amended to read as follows:

14 54-3A-5. In addition to the finance charge, a creditor may contract for, and receive the
15 following additional charges in connection with an installment sales contract if such charges are

1 itemized and disclosed to the buyer:

2 (1) Official fees and taxes; ~~and~~

3 (2) Charges for credit life, accident, health, loss of income, ~~property~~ or liability insurance;

4 ~~provided, that. However, any such insurance shall be~~ is optional, and the consumer

5 ~~must~~ shall be informed that any such insurance is optional;

6 (3) Charges for property insurance as required by section 1 of this Act; and

7 (4) The amount actually paid or to be paid by the creditor pursuant to an agreement with

8 the consumer to discharge a security interest, lien interest, or lease interest on the

9 property traded in.

10 Any such charges must be disclosed and explained to the consumer prior to signing any

11 agreement to repay a consumer credit obligation. Any such charges must be separately agreed

12 to in writing and separately signed by the consumer.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Commerce. H.J. 180

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 344

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

228D0221

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1265** - 2/1/00

Introduced by: Representatives Hunt, Apa, Duenwald, Eccarius, Fryslie, Heineman, Klaudt, Koskan, McCoy, Monroe, Napoli, and Young and Senators Madden, Shoener, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to establish an education voucher system to pay a portion
2 of costs paid by students enrolled in certain nonpublic schools.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Effective July 1, 2001, the State of South Dakota shall make available an
5 education voucher, in an amount specified by the provisions of this Act, to a parent or guardian
6 of each student enrolled in kindergarten through grade twelve, inclusive, as provided by this Act.

7 Section 2. Terms used in this Act mean:

8 (1) "Department," the Department of Education and Cultural Affairs;

9 (2) "Public school," a school that receives a majority of its revenues from public funds;

10 (3) "Qualified applicant", a parent or guardian of a voucher student, whose voucher
11 application is approved by the department;

12 (4) "Voucher school," an accredited, nonpublic, nongovernmental school that offers
13 instruction at one or more grade levels from kindergarten through grade twelve,
14 inclusive, physically located in South Dakota which provides instruction each year for
15 at least the number of days and hours set forth in §§ 13-26-2 and 13-26-2.1; which

1 does not discriminate on the basis of race, gender, or disability; and which conducts
2 academic achievement testing similar to that required for public school districts by
3 § 13-3-55; and

4 (5) “Voucher student,” a minor, who is enrolled in or attending a voucher school.

5 Section 3. A parent or guardian of each kindergarten through twelfth grade student who
6 desires to enroll in a voucher school may file a voucher application form with the department
7 anytime before the end of the school year. The department shall issue a voucher to each qualified
8 applicant within thirty days of the end of the school year.

9 Section 4. To be eligible to receive an education voucher, the parent or guardian shall
10 provide the department with information which verifies that the voucher student has met the
11 following requirements:

12 (1) The voucher student has attended a voucher school for the entire academic year for
13 which the voucher is provided;

14 (2) The voucher student has paid tuition of at least five hundred dollars to the voucher
15 school for the academic year;

16 (3) The voucher school has certified the attendance and payment as required in
17 subdivisions (1) and (2).

18 Section 5. The amount of the voucher is one-third of the per student allocation as defined
19 in § 13-13-10.1 as of July 1, 2000. The voucher amount shall be adjusted each year by the index
20 factor as defined in § 13-13-10.1. However, the amount of the voucher may not exceed the
21 amount paid for the student to the voucher school for tuition.

22 Section 6. For each voucher student who received a voucher, the school district in which
23 the voucher student's parent or guardian resides may add one-third of one student to the school
24 district's general enrollment average daily membership, as defined in § 13-13-10.

25 Section 7. In the first year only of the education voucher program established by this Act,

1 the amount of the voucher, as provided in section 5 of this Act, for any voucher student who
2 attended a voucher school during the previous year shall be reduced by fifty percent.

3 Section 8. If any voucher student attended a public school during the year prior to attending
4 a voucher school, the amount of the educational voucher for the voucher student for the first
5 year the voucher student is enrolled in the voucher school shall be reduced by fifty percent.

6 Section 9. No school district is responsible for the provision of transportation for any
7 voucher student.

8 Section 10. If the average academic achievement test scores at a voucher school for two
9 consecutive years fail to exceed national averages for the test, the department may decline to pay
10 any voucher for any voucher student attending the voucher school during the next academic year.

11 Section 11. The department shall promulgate rules pursuant to chapter 1-26 to provide, in
12 accordance with the provisions of this Act, for the issuance and payment of vouchers.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 196

3 1/25/00 Referred to State Affairs.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 300

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

781D0001

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1290** - 2/1/00

Introduced by: Representatives Smidt, Duenwald, Eccarius, Haley, Jaspers, Konold, Peterson,
and Richter

1 FOR AN ACT ENTITLED, An Act to provide for certain members of the Executive Board of
2 the Legislative Research Council.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 2-9-2 be amended to read as follows:

5 2-9-2. The ~~state~~ Legislative Research Council shall have an Executive Board, to be known
6 as the Executive Board of the Legislative Research Council, which shall consist of ~~fifteen~~
7 nineteen members, as follows: six members from the Senate and seven members from the House,
8 to be elected by a majority vote by their respective legislative bodies before the close of each
9 regular session of the Legislature held in odd-numbered years, ~~and ex-officio the majority and~~
10 minority leaders of the Senate, the majority and minority leaders of the House, the president pro
11 tempore of the Senate, and the speaker of the House elected in such regular session. Each
12 senator and each representative serving on the Executive Board, ~~including each ex-officio~~
13 ~~member~~, shall serve until a new executive board has been selected at the next such regular
14 legislative session; ~~provided, however, that no.~~ No senator who is not reelected to the Senate
15 and no representative who is not reelected to the House of Representatives, ~~shall~~ may serve as
16 a member of the board beyond the closing day of the term to which ~~he was~~ elected. When the

1 Legislature is not in such regular session, the number of senate and house members on the
2 Executive Board shall remain constant, and any vacancy then occurring shall be filled by the
3 remaining board members of that legislative body affected. No board member, ~~excepting ex~~
4 ~~officio, shall~~ may serve more than three successive terms.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 201

3 1/25/00 Referred to State Affairs.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 1/31/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 300

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

951D0690

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1293** - 2/2/00

Introduced by: Representatives Derby, Duniphan, Fiegen, and Peterson and Senator Hainje

1 FOR AN ACT ENTITLED, An Act to revise the procedure to determine if real estate taxes have
2 been paid before the date due.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-21-23 be amended to read as follows:

5 10-21-23. On the first day of May of the year after which taxes have been assessed, one-half
6 of all unpaid real estate taxes are delinquent. However, all real estate taxes totaling fifty dollars
7 or less shall be paid in full on or before April thirtieth. On the first day of each month thereafter
8 there shall be added as interest on the delinquent taxes at the Category B rate of interest as
9 established in § 54-3-16. If the other half is not paid on or before the thirty-first day of October
10 of the same year, that also becomes delinquent on November first and the same interest shall
11 attach in the same manner. If the last day of the month falls on a Saturday or Sunday, the tax is
12 due and payable on the last working day. The tax payment shall either be received in the office
13 on the last working day or the tax payment shall be postmarked by the last day of the month that
14 the taxes are due.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 201

3 1/25/00 Referred to Local Government.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Local Government Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 337

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

287D0627

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1004** - 2/2/00

Introduced by: Representatives Weber, Chicoine, Crisp, Engbrecht, Klaudt, Koehn, Kooistra, Lockner, Nachtigal, and Waltman and Senators Symens, Dennert, Duxbury, Kleven, Kloucek, and Lange

1 A CONCURRENT RESOLUTION, Urging Congress to schedule hearings to increase net farm
2 income and improve living conditions in rural America.

3 WHEREAS, the unparalleled agricultural productivity of the American people should be an
4 asset for our nation; and

5 WHEREAS, net cash income for 2000 is projected by the U.S. Department of Agriculture
6 to be \$49.7 billion, which is \$9.4 billion less than 1999; and

7 WHEREAS, the prices paid for farm commodities have been depressed for the past several
8 years; and

9 WHEREAS, U.S. agricultural exports have declined \$10 billion from the record levels of
10 1996; and

11 WHEREAS, U.S. farmers and ranchers need profitable export and domestic markets:

12 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
13 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the United
14 States Congress and federal administration are urged to schedule hearings regarding the best
15 methods of increasing net farm income. Topics should include expanded open and competitive

- 1 markets, commodity deflation, risk management, federal government rules and regulations, and
- 2 the farm bill.

1 **BILL HISTORY**

2 1/27/00 Scheduled for Committee hearing on this date.

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 12, NAYS 0.

5 H.J. 338

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

485D0628

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1005** - 2/2/00

Introduced by: Representatives Weber, Chicoine, Crisp, Engbrecht, Klaudt, Koehn, Kooistra, Lockner, Nachtigal, and Waltman and Senators Symens, Dennert, Drake, Duxbury, Kleven, Kloucek, and Lange

1 A CONCURRENT RESOLUTION, Urging the Clinton Administration and Congress to forbid
2 packers from feeding and owning livestock.

3 WHEREAS, in 1919 the Federal Trade Commission declared the Big Five Packers were in
4 the position to monopolize all the nation's food supply; and

5 WHEREAS, in 1920 the Big Five controlled roughly two-thirds of cattle slaughter; and

6 WHEREAS, the Packers and Stockyards Act of 1921 was enacted to strengthen existing
7 anti-trust laws and to prevent these or other companies from monopolizing the meat industry
8 again; and

9 WHEREAS, in 1983 the top four slaughterers had approximately thirty-six percent of the
10 market, in 1993 the top four slaughterers controlled approximately seventy percent and is now
11 over eighty percent; and

12 WHEREAS, three major corporations, Con Agra, Excel-Cargil, and IBP, control more than
13 eighty percent of the beef packing industry and together control major shares of the pork and
14 lamb slaughter industries:

15 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-

1 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the Clinton
2 administration including Secretary of Agriculture Dan Glickman, Assistant Secretary Mike Dunn,
3 and GIPSA Administrator Jim Baker, and the U.S. Congress are urged to prohibit packers from
4 controlling, feeding, or owning livestock unless the packer is a cooperative where the producers
5 have sufficient interest in livestock or the livestock are purchased within fourteen days of
6 slaughter. Packers currently feeding livestock should have a reasonable length of time to divest
7 themselves of their livestock feeding enterprises.

1 **BILL HISTORY**

2 1/27/00 Scheduled for Committee hearing on this date.

3 2/1/00 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 12, NAYS 0.

4 H.J. 339

5 2/1/00 Scheduled for Committee hearing on this date.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

534D0603

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1007** - 2/2/00

Introduced by: Representatives Wetz, Brooks, Diedrich (Larry), Fryslie, Garnos, Jaspers, Juhnke, Klaudt, Koskan, Lintz, and McNenny and Senators Bogue, Brown (Arnold), Dunn (Jim), Frederick, Rounds, and Vitter

1 A CONCURRENT RESOLUTION, Supporting country-of-origin labeling of meat products.

2 WHEREAS, consumers are entitled to know the origin of the meat they purchase; and

3 WHEREAS, domestic livestock producers deserve fair and honest representation in the
4 marketplace for meat products derived from their livestock; and

5 WHEREAS, current meat labeling and inspection laws and regulations do not require
6 country-of-origin labeling; and

7 WHEREAS, United States agriculture operates in a worldwide market; and

8 WHEREAS, United States livestock producers are committed to produce meat products of
9 high quality and fulfill consumer desires for food safety and nutritional value:

10 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
11 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the South
12 Dakota Legislature supports legislation requiring country-of-origin labeling of meat products at
13 the retail level.

1 **BILL HISTORY**

2 2/1/00 Scheduled for Committee hearing on this date.

3 2/1/00 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 12, NAYS 0.

4 H.J. 339

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0307

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB21** - 2/1/00

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to allow for additional public distribution of sex offender
2 information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-22-34 be amended to read as follows:

5 22-22-34. The Division of Criminal Investigation may make the file available to any regional
6 or national registry of sex offenders. The division shall accept files from any regional or national
7 registry of sex offenders and shall make such files available ~~when~~ if requested pursuant to
8 §§ 22-22-30 to 22-22-39, inclusive. The division may compile regional or statewide registration
9 lists for public inspection as provided by chapter 1-27 or public distribution, including electronic
10 or internet distribution.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 17

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Do Pass, Passed, AYES 5, NAYS 1. S.J. 42

5 1/15/00 Senate Do Pass, Failed, AYES 14, NAYS 18. S.J. 61

6 1/15/00 Intent to reconsider. S.J. 61

7 1/18/00 Senate Reconsidered, AYES 27, NAYS 7. S.J. 69

8 1/19/00 Senate Deferred to another day. S.J. 120

9 1/20/00 Motion to Amend, Passed. S.J. 129

10 1/20/00 Senate Do Pass Amended, Passed, AYES 29, NAYS 5. S.J. 130

11 1/21/00 First read in House and referred to Judiciary. H.J. 185

12 1/31/00 Scheduled for Committee hearing on this date.

13 1/31/00 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 298